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R2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. LEVY *et al.*

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Title: METHODS AND COMPOSITIONS
FOR ENHANCING THE DELIVERY
OF A NUCLEIC ACID TO A CELL

SEP 20 2002

Appl. No.: 09/851,327

TECH CENTER 1600/2900

Filing Date: May 9, 2001

Examiner: Scott D. PRIEBE

Art Unit: 1632

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a response to an office action, dated August 22, 2002, in which the examiner restricted the claims into the following groups:

Group A, claims 1-33, drawn to delivery of a nucleic acid which encodes a product; and
Group B, claims 1-33, drawn to delivery of antisense or ribozyme nucleic acid.

Applicants elect the Group A with traverse, because the alleged separate inventions in fact are related and should be examined together. In particular, the restriction is improper because examination of both claim sets would not require additional searches or otherwise place a serious burden on the PTO.

For this reason the examiner is asked to reconsider her position and to withdraw this restriction requirement, in order that the Group A and Group B can be examined as one invention. In any event, applicants reserve the right to file a divisional application directed to non-elected claims.

Applicants await examination on the merits. Should there be any questions,
Examiner Priebe is invited to contact the undersigned at the number listed below.

Respectfully submitted,

Date 19 September 2002

By S. A. Bent

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